

North Andover Conservation Commission Meeting Minutes
June 22, 2016

Members Present: Louis A. Napoli, Chairman, Albert P. Manzi, Vice Chairman, Deborah A. Feltovic, Douglas W. Saal.

Members Absent: Joseph W. Lynch, Jr., Sean F. McDonough, John T. Mabon.

Staff Member Present: Jennifer A. Hughes, Conservation Administrator.

Pledge of Allegiance

Meeting came to Order at: 7:02PM Quorum Present.

Public Meeting: 703PM

Approval of 5/12/16

- A motion to accept the meeting minutes of 5/12/16 as drafted and reviewed is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Conservation Restriction

Leonhard Farm

- Vanessa Johnson-Hall of Essex County Greenbelt Association (ECGA) presents the Conservation Restriction proposed for the Leonhard farm which is located in North Andover and Boxford. She states the project has land owner approval. She reviews that the town voted to approve \$325K for acquisition of a restriction. ECGA would co-hold the restriction with the town. She describes the property as a combination of woodlands and expanse of farmland. The restriction would allow for some future construction including greenhouses and an equestrian arena within existing cleared areas. A farm plan could be required for some activities. The farm is currently for hay production. Forest management is also allowed with a management plan. Ms. Johnson-Hall states there will be public access and presents a preliminary trail map. She states the trail would be done in coordination with Friends of North Andover Trails (FONAT). There would also be a provision where the owners could divide the property into smaller parcels (up to 3). Division would be by approval of the restriction holders and would be required not to impair fields or habitat.
- Mr. Manzi asks about forest management.
- Ms. Johnson-Hall states there are old forests roads and timber removal would be coordinated.
- The Administrator states that no vote is needed as the restriction still needs to be reviewed by counsel.

Small Project

NACC#175, 108 Campion Road (Montopoli)

- The applicant Barbara Montopoli is present. She reviews her proposal to put a fence along her property line.

- Mr. Saal asks if there are utilities in the Right-of-Way.
- Ms. Montopoli states there are not.
- Ms. Feltovic makes a motion to accept NACC #175 as a small project H. Mr. Manzi seconds the motion.
- Vote unanimous.
- Ms. Feltovic motions to approve the project as proposed with a special condition for a post construction inspection. Mr. Manzi seconds the motion.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Copy of Town Check*
- *Letter prepared by Barbara Montopoli*
- *Photo prepared by The North Andover Conservation Department dated June 21, 2016*
- *Plan prepared by Andover Consultants, Inc. dated June 2012*

Request for Determination of Applicability

120 Campion Road (Sigman)

- John Sullivan of Sullivan Engineering is present.
- The Administrator presents the after the fact approval requested for the installation of a porous paver driveway and patio extensions. She states a portion of the driveway is in the 50' No-Build Zone although no waiver is required if there is no other feasible location. The patio is outside of the No-Build Zone.
- Mr. Manzi asks if triple filing fees have been paid.
- The Administrator states they have.
- Mr. Manzi makes a motion to issue a negative determination #3. Ms. Feltovic seconds the motion.
- Vote: unanimous.

Documents:

- *Application Checklist- Request for Determination of Applicability*
- *WPA Form I-Request for Determination of Applicability*
- *Copy of Town Check*
- *Project Description Signatures and Submittal Requirements*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Department dated June 2, 2016*
- *North Andover MIMAP prepared by the North Andover Conservation Department dated June 2, 2016*
- *Portion of USGS Map prepared by the North Andover Conservation Department dated June 2, 2016*
- *Photo prepared by Sullivan Engineering Group, LLC dated June 2, 2016*
- *Plot Plan of Land prepared by Sullivan Engineering Group, LLC dated June 2, 2016*

58 Glenwood Street (Sinaci)

- The applicant Marina Sinaci of 58 Glenwood Street and former homeowner Hossein Ghamary are present.
- The Administrator reviews the prior history of the home which was destroyed by flood and rebuilt using floodplain building code requirements. She presents the proposal to install and fence around the existing yard portions of which will be in the No-Disturbance Zone. A deck is also proposed and is located within Bordering Land Subject to Flooding. She presents photos of the site to the commission.
- Mr. Ghamary states the fence will be minimal disturbance with poles directly into the ground.
- Mr. Manzi asks how many sono-tubes will be needed for the deck.
- Mr. Ghamary states 5+. He states Ms. Sinaci is worried about animals in the yard.
- Mr. Napoli states the drawing presented is conceptual.
- Mr. Saal states the photo of the old deck does not show it wrapping around the house.
- Ms. Hughes states the stairs should be as far from the resource area as possible.
- Mr. Manzi reviews the requested waiver and states the setbacks need to be on the plan.
- Jack Sullivan of Sullivan Engineering offers to assist the owner with the required plan as his firm did the plan for the reconstructed house.
- The administrator states the commission needs to know how much of the work is in the floodplain.
- Mr. Ghamary states the fence will be chain-link and metal posts will be installed.
- Mr. Manzi states the waiver needs to be redrafted and an alternatives analysis provided.
- A motion to continue the hearing until July 13, 2016 is made by Mr. Manzi and seconded by Ms. Feltovic.
- Vote: unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *General Information*
- *Copy of Town Check*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Project narrative prepared by Marina Sinaci date June 7, 2016*
- *North Andover Conservation Commission Waiver Request form prepared by Marina Sinaci dated May 25, 2016*
- *North Andover MIMAP prepared by the North Andover Conservation Department dated June 7, 2016*
- *Sketch Diagram of proposed deck area prepared by Marina Sinaci dated June 9, 2016*
- *Sketch Diagram of proposed fence area prepared by Marina Sinaci dated June 9, 2016*
- *Aerial Diagram of house with surround deck and stairs prepared by Marina Sinaci dated June 9, 2016*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Department June 7, 2016*
- *Photos prepared by the North Andover Conservation Department dated June 22, 2016*

30 Gray Street (Barclay)

- The applicant Philip Barclay of 30 Gray Street is present.
- The Administrator presents the after-the-fact filing to approve a new walkway and side stairs, deck and landscaping. She states the applicant has requested a waiver of the triple filing fee for the after-the-fact filing.
- Mr. Manzi asks the status of the work.
- Mr. Barclay states the walkway is installed and the plantings need to be completed.
- Mr. Manzi states he does not support a fee waiver.
- Mr. Napoli states the need to be consistent with all applicants.
- Mr. Manzi makes a motion to deny the waiver request. Seconded by Ms. Feltovic
- Mr. Manzi makes a motion to issue a negative #3 Determination with a special condition for a post construction inspection. Seconded by Ms. Feltovic.
- Vote: unanimous

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *General Information*
- *Copy of Town Check*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Attachment A Sketched Plan prepared by Philip Barclay*
- *Attachment B (1) Geo Map prepared by the North Andover Conservation Department dated May 28, 2016*
- *Attachment B (2) North Andover MIMAP prepared by the North Andover Conservation Department dated May 28, 2016*
- *Attachment C prepared by Philip Barclay dated May 28, 2016*
- *Certified Abutters List prepared by the North Andover Assessors Department dated June 3, 2016*
- *Notification to Abutters Form*
- *Photos prepared by the North Andover Conservation Department dated May 25, 2016*

40 Wildwood Circle (Thomson)

- The applicant Raymond Thomson of 40 Wildwood Circle is present.
- The Administrator presents the proposal to install an above ground pool and move an existing shed. Due to the wetlands on the lot, including a potential vernal/ephemeral pool the pool will require a waiver of the No-Build Zone.
- Mr. Thompson discusses alternatives with the commission.
- Mr. Napoli asks about the well.
- Mr. Thompson states that the well is pre-existing. He also states that the shed is not worth saving and will be removed rather than moved.
- A motion to grant the waiver as requested is made by Ms. Feltovic and seconded by Mr. Manzi.
- Vote: unanimous
- A motion to issue a positive determination #2a to approve the wetland delineation and a negative determination #3 with special conditions for pre and post-construction inspections and wetland markers is made by Mr. Manzi and seconded by Ms. Feltovic.

- Vote: unanimous

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *General Information*
- *Copy of Town Check*
- *Project Description*
- *Signatures and Submittal Requirements*
- *North Andover Conservation Commission Waiver Request Form dated May 31, 2016*
- *Narrative of the work proposed*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Department dated June 2, 2016*
- *USGS Map prepared by the North Andover Conservation Department dated June 7, 2016*
- *NHESP Map prepared by the North Andover Conservation Department dated June 7, 2016*
- *North Andover MIMAP prepared by the North Andover Conservation Department dated June 17, 2016*
- *As-Built Plan prepared by Merrimack Engineering Services, Inc. dated November 23, 1983*
- *Wetland Delineation prepared by William Manuel dated May of 2016 sketched Plan showing wetland line*

Notice of Intent (NOI)

242-1681, 384 Osgood Street (DPW) (Linden Engineering Partners, LLC) (cont. from 6/8/16)

- The applicant Raymond Santilli Assistant Town Manager and Richard Cutts, P.E. of Linden Engineering are present.
- Mr. Cutts presents a revised plan showing snow storage. He explains the SWPPP is addressed by a note on the plan. He reviews the addition of a silt sock between the jersey barriers and the blocks to prevent erosion of stored materials. He states the sock will be replaced annually. There will also be a barrier along the Isolate Vegetated Wetland. This barrier will allow drainage through. A new rip rap apron is shown at the outlet of the pipe at the rear of the site. He states all drawings have the same revision date.
- The administrator points out the difference between the SWPPP required for disturbing more than an acre and the SWPPP that DPW has to address the MS4 permit.
- Mr. Cutts presents the changes made to have the new pipe merge with an existing pipe and outfall. He also presents the new catch basins with hoods. The existing pipe will be reviewed for integrity. He states a stormceptor STC2400 has been added to the plan. He states a 10' x 10' rip rap apron is standard but it could be pulled back or eliminated.
- Mr. Manzi asks if there will be a higher rate of flow.
- Mr. Saal asks if the pipe will need cleaning.
- Mr. Cutts states it will be inspected before new connection made. He states a drip strip is shown around the new building. It may provide some recharge but is more of an architectural feature to keep vegetation away from the building.

- The Administrator states she will review the planting plan to be sure native species are being used.
- Mr. Santilli states parking is still an issue for the Planning Board.
- A motion to continue to 7/13/16 is made by Mr. Manzi and seconded by Ms. Feltovic.
- Vote: unanimous

Document:

- *Overall Site Plan & Sheet Index prepared by Linden Engineering Partners LLC dated May 27, 2016, revised Overall Site Plan & Sheet Index dated 6/14/2016*

242-1682, 56 Candlestick Road (Martin) (Sullivan Engineering Group, LLC)

- The applicant James Martin and John Sullivan of Sullivan Engineering Group, LLC are present.
- Mr. Sullivan presents the proposal to construct an addition with a two car garage under and a sun room in the buffer zone. He states some driveway pavement will be removed, there is a soil stockpile area shown, all trees will remain, the closest point of work is 51', haybales and silt fence are proposed for erosion control, the sunroom will be on sonotubes and the addition will be on a full foundation.
- Mr. Manzi asks if there will be any drainage improvements.
- Mr. Sullivan states a drywell can be added.
- The commission discusses the PCOC that is needed from a prior order for the construction of the house.
- Ms. Feltovic makes a motion to continue the hearing to July 13, 2016, seconded by Mr. Manzi.
- Vote: unanimous

Documents:

- *Application Checklist-Notice of Intent*
- *Letter prepared by Sullivan Engineering Group, LLC Notice of Intent Filing*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *Copy of Town and State Checks*
- *Additional Information*
- *Signatures and Submittal Requirements dated June 8, 2016*
- *NOI Wetland Fee Transmittal Form*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Department dated June 8, 2016*
- *North Andover MIMAP prepared by the North Andover Conservation Department dated June 8, 2016*
- *Portion of USGS Map prepared by the North Andover Conservation Department dated June 8, 2016*
- *Plot Plan of Land prepared by Sullivan Engineering Group, LLC dated June 8, 2016*
- *Photos prepared by the North Andover Conservation Department dated June 22, 2016*

Abbreviated Notice of Resource Area Delineation

242- , 0 Osgood Street (Edgewood Retirement Community Company, Inc.) (MHF Design Consultants, Inc.) (cont. from 6/8/16)

- David Mermelstein and, project manager, and David Jordan of MHF are present to represent the applicant.
- The Administrator states she reviewed the delineation and adjusted a few flags. The plan in front of the commission reflects those changes. She states there is a swale adjacent to the parcel that was previously considered jurisdictional that she agrees is not.
- Mr. Manzi states the swale must have a purpose and should be identified.
- Mr. Mermelstein explains improvements planned at the trailhead.
- The Administrator states it has been some time but a DEP file number has not issued.
- Mr. Mermelstein states the check has cleared.
- A motion to continue the hearing to the July 13, 2016 meeting is made by Mr. Manzi and seconded by Ms. Feltovic.
- Vote: unanimous.

Documents:

- *Memo prepared by Mark West dated 6/8/16*

242-1603, COC Request, 315 South Bradford Street (Smolak Farms LLC/H. Michael Smolak, Jr.) (ESS Engineering & Surveying Services) (Cont. from 6/8/16)

- The Administrator states the building was shifted toward the wetland. It was proposed to be 54' away but is 51.4'.
- The commission discusses why this occurred.
- The Administrator states there was some discussion about the hill and the need to make minor adjustments to limit grading.
- A motion to issue the COC is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Letter prepared by ESS Engineering & Surveying Services request for Certificate of Compliance dated April 12, 2016*
- *WPA Form 8A-Request for Certificate of Compliance*
- *Foundation As-Built Plan prepared by ESS Engineering & Surveying Services dated January 21, 2014*
- *Photos prepared by the North Andover Conservation Department dated June 21, 2016*

242-236, PCOC Request, 325 Appleton Street (Timothy P. Houten, Esq.)

- Timothy P. Houten, Esq. is present to represent the applicant.
- The administrator presents the request for a partial certificate of compliance.
- A motion to issue a PCOC for 325 Appleton Street only is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote: unanimous.

Documents:

- *Letter prepared by Timothy P. Houten Attorney at Law requesting at Partial Certificate of Compliance*
- *WPA Form 8A-Request for Partial Certificate of Compliance*

- *Site Development Plan Sewer & Water Connection prepared by Thomas E. Neve Associates dated July 10, 1985*

Enforcement Order-146/148 Main Street (Smith/Sutton Pond Condominium Trust)

- The Administrator states that Mr. Smith has removed the soil and debris as required by the Enforcement Order. She states there is a court date set for July 21 to resolve the \$2100 in fines outstanding.
- Mr. Manzi states the commission should reach out to the owner to discuss the outstanding find and possibly negotiate.
- The chairman states he will participate.

A motion to adjourn the meeting at 8:55 PM is made by Mr. Manzi and seconded by Mr. Saal. Vote unanimous.